

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested. In the outstanding office action, claims 1-16 are pending in the application. Claims 17-25 are withdrawn from consideration. Claims 1-16 are rejected.

Claims 1-3, 5, 7-13, 15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Laurikka et al. (U.S. 6,608,996).

Claims 4, 6, 14 and 16 were rejected under 35 U.S.C. § 103 as being unpatentable over Laurikka et al. (U.S. 6,608,996) of Berry (U.S. 5,223,958).

RESPONSE TO THE OFFICE ACTION

In response to the office action, Claims 1, 2, 7, 8, 9, 11, and 12 were amended. Claims 17-25 were cancelled to allow the remaining claims to be examined. Claims 3, 4, 5, 6, 10, 13, 14, 15, and 16 were unchanged.

In response to the Applicant's obligation under 37 C.F.R. 1.56 and further in compliance with 35 U.S.C. par. 102 (f) and (g) and 35 U.S.C. 103, the subject matter of the various claims was commonly owned at the time the invention was made.

Applicant notes that Applicant has not received a Notice of Draftsperson's Patent Drawing Review (PTO-948) for this case. Applicant respectfully requests Examiner to forward such document when available.

SUBSTANTIVE MATTERS

Restriction under 35 U.S.C. §121

The Applicants hereby affirm the election of claims 1-16 (Group I), drawn to a housing having a substance that changes appearance, classified in class 379, subclass 433.01 and withdrawal from consideration of claims 17-25 (group II) and Claim 25 (group III). Claims 17-25 have been cancelled without prejudice to allow the remaining claims to be in a form to be examined or issued.

Claim Rejections 35 U.S.C. § 102(e):

Applicant respectfully requests reconsideration of the rejection of Claims 1-3, 5, 7-13, 15 under 35 U.S.C. § 102(e) as being anticipated by Laurikka et al. (U.S. 6,608,996) as herein amended.

Independent Claims 1 and 7 were amended to clarify that the appearance changing substance of the outer visible surface of the housing is responsive to "a change in a surrounding physical environment." Page 5, lines 19 – 23 of Applicants' original specification support this amendment. Applicant respectfully submits that Laurikka et al. (U.S. 6,608,996) does not anticipate the invention recited in amended Claims 1 and 7. Laurikka et al. (U.S. 6,608,996)

does not anticipate the appearance of the housing changing in response to a change in the surrounding physical environment.. Applicant submits that the Laurikka et al. (U.S. 6,608,996) patent actually teaches away from the present invention since in Laurikka et al. (U.S. 6,608,996) there is no attempt or intention to dynamically modify the housing with the changing physical environment. In contrast, Laurikka et al. (U.S. 6,608,996) describes changing the housing appearance using a control signal (V). Thus, Laurikka et al. (U.S. 6,608,996) only anticipates applying a control signal (V) to change the appearance. (col. 1, lines 62 – 65) Therefore, since claims 1 and 7 recite subject matter that constitutes patentable subject matter, Applicants respectfully submit that claims 1 and 7 are in proper condition for allowance and request that claims 1 and 7 may now be passed to allowance.

Applicant respectfully requests reconsideration of the rejection of Claims 2-3, 5, 8-13, 15 under 35 U.S.C. § 102(e) as being anticipated by Laurikka et al. (U.S. 6,608,996) as herein amended. Applicants submit that claims 2-3, 5, 8-13, 15 are allowable over the cited references based on their dependencies upon amended claims 1 and 7 which claims were shown to be allowable above. In addition, Applicants submit that claims 2-3, 5, 8-13, 15 are independently patentable because they include limitations not taught or suggested by the cited references.

With respect to amended Claims 2 and 12, Applicants respectfully submit that Laurikka et al. (U.S. 6,608,996) does not anticipate the plurality of internal components generating “an environmental stimulus coupled to the outer visible surface in response to the change in the surrounding physical environment.” Laurikka et al. (U.S. 6,608,996), in contrast, describes the control signal being generated in response to user inputs, messages, electrical performance of the device, and the like. There is no mention in Laurikka et al. (U.S. 6,608,996) of the surrounding physical environment causing the control signal to be generated.

With respect to Claims 3 and 13, Applicants respectfully submit that Laurikka et al. (U.S. 6,608,996) does not anticipate the environmental stimulus being “a combination of one or more stimuli selected from a group consisting of an acoustic stimulus, a thermal stimulus, an electrical stimulus, an electromagnetic stimulus, an olfactory stimulus, and a mechanical stimulus.” In contrast, Laurikka et al. (U.S. 6,608,996) recites only that the control signal can be an electric or electromagnetic control signal. (col. 2, lines 31-36)

With respect to Claims 5 and 15, Applicants respectfully submit that Laurikka et al. (U.S. 6,608,996) does not anticipate “the appearance changing substance is a combination of one or

more substances selected from a group consisting of a color changing substance, a pattern changing substance, an illumination producing substance, a shape changing substance, and a sensory producing substance.” In contrast, Laurikka et al. (U.S. 6,608,996) recites only that the substance can be a “colour changing substance.” (col. 3, lines 25-53 and col. 4, lines 45-54).

With respect to Claim 8, Applicants respectfully submit that Laurikka et al. (U.S. 6,608,996) does not anticipate the housing changing appearance in response “to the change in the surrounding physical environment.” In contrast, Laurikka et al. (U.S. 6,608,996) describes changing the housing color using a control signal (V). Thus, Laurikka et al. (U.S. 6,608,996) only anticipates applying a control signal (V) to change the color of the housing. (col. 1, lines 62 – 65)

With respect to Claim 9, Applicants respectfully submit that Laurikka et al. (U.S. 6,608,996) does not anticipate a shape element within the housing becoming invisible in response to “the change in the surrounding physical environment.” In contrast, Laurikka et al. (U.S. 6,608,996) describes changing the housing color using a control signal (V). Thus, Laurikka et al. (U.S. 6,608,996) only anticipates applying a control signal (V) to change the color of the housing. (col. 1, lines 62 – 65)

With respect to Claim 10, Applicants respectfully submit that Laurikka et al. (U.S. 6,608,996) does not anticipate “the shape element comprises at least one identification information selected from the group consisting of identification data, identification codes, identification patterns, and identification images.” Applicants can find no reference to identification information being displayed using the appearance changing substance in the Laurikka et al patent.

With respect to Claim 11, Applicants respectfully submit that Laurikka et al. (U.S. 6,608,996) does not anticipate “the shape element comprises an environment index gauge, wherein the environment index gauge identifies the surrounding physical environment.” Applicants can find no reference to an environment index gauge which identifies the surrounding physical environment in the Laurikka et al patent.

Therefore, since claims 2-3, 5, 8-13, 15 introduce additional subject matter that, particularly when considered in the context of the recitations of amended claims 1 and 7,

constitutes patentable subject matter, Applicants respectfully submit that claims 2-3, 5, 8-13, 15 are in proper condition for allowance and request that claims 2-3, 5, 8-13, 15 may now be passed to allowance.

Claim Rejections - 35 U.S.C. § 103:

Applicant respectfully requests reconsideration of the rejection of Claims 4, 6, 14 and 16 under 35 U.S.C. § 103 as being unpatentable over Laurikka et al. (U.S. 6,608,996) of Berry (U.S. 5,223,958). Applicants submit that claims 4, 6, 14 and 16 are allowable over the cited references based on their dependencies upon amended claims 1 and 7 which claims were shown to be allowable above. In addition, Applicants submit that claims 4, 6, 14 and 16 are independently patentable because they include limitations not taught or suggested by the cited references.

With respect to Claims 4 and 14, Applicant respectfully submits that Laurikka et al. (U.S. 6,608,996) of Berry (U.S. 5,223,958) does not anticipate the thermal stimulus being the energizing of at least one resistive element contained within the housing. Applicants respectfully disagree with the Examiner's statement that "Berry teaches providing a resistive element or thermal/haptic producing substance (12) which can be energized by a thermal stimulus." Specifically, element 12 of Berry is a "layer of microencapsulated thermochromic liquid crystal material." (col. 2, lines 24-26) Liquid crystal material differs from a resistive element in numerous ways. Further, Claims 4 and 14 specify that the thermal stimulus is the energizing of the resistive element not that the resistive element is energized by the thermal stimulus as stated by the Examiner.

With respect to Claims 6 and 16, Applicant respectfully submits that Laurikka et al. (U.S. 6,608,996) of Berry (U.S. 5,223,958) does not anticipate "the sensory producing substance is a combination of one or more substances selected from a group consisting of a thermal producing substance, a vibration producing substance, and a haptic producing substance." Specifically, Berry only describes a thermal stimulus with no mention of vibration or haptic producing substances.

Therefore, since claims 4, 6, 14 and 16 introduce additional subject matter that, particularly when considered in the context of the recitations of amended claims 1 and 7, constitutes patentable subject matter, Applicants respectfully submit that claims 4, 6, 14 and 16

are in proper condition for allowance and request that claims 4, 6, 14 and 16 may now be passed to allowance.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, or in the event that the Examiner deems the present application non-allowable, a telephone call to the undersigned at (954) 723-6449 is respectfully solicited.

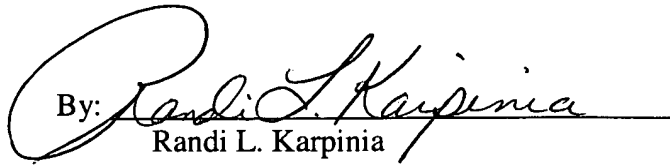
Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: 24273

By: 
Randi L. Karpinia
Attorney of Record
Reg. No.: 46,148
Telephone: 954-723-6449
Fax No.: 954-723-5599
Email: Randi.Karpinia@motorola.com